

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN CHARLES MCCLUSKEY,

Petitioner,

v.

No. CV 12-686 LH/LAM

CONRAD CANDELARIA, United States
Marshal for the District of New Mexico, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 27), filed on April 17, 2013. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will: adopt the *Proposed Findings and Recommended Disposition* (Doc. 27); grant in part Respondent *Warden James Lopez's Motion to Dismiss Petition for Writ of Habeas Corpus or, in the Alternative, to Drop Warden James Lopez as a Party* (Doc. 17); deny without prejudice Petitioner's *Petition for Writ of Habeas Corpus* (Doc. 1); and dismiss this case without prejudice.


IT IS THEREFORE ORDERED that the *Proposed Findings and Recommended Disposition* (Doc. 27) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that Respondent *Warden James Lopez's Motion to Dismiss Petition for Writ of Habeas Corpus or, in the Alternative, to Drop Warden James Lopez as a Party* (Doc. 17) is **GRANTED** in part.

IT IS FURTHER ORDERED that Petitioner's *Petition for a Writ of Habeas Corpus* (Doc. 1) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that this case be **DISMISSED WITHOUT PREJUDICE** and that a final judgment be entered concurrently with this order.

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE